

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

TONY GIOVANNI JOSEPH,

Defendant.

Case No. 12-cr-00058-JSW-1

**ORDER FINDING DEFENDANT
INCOMPETENT AND COMMITTING
TO CUSTODY OF ATTORNEY
GENERAL**

On October 22, 2013 and December 6, 2013, this Court held a hearing, pursuant to 18 U.S.C. section 4241(a), to determine whether the Defendant, Tony Giovanni Joseph was competent to stand trial. The Court heard testimony from Dr. Lisa Hope, Chief Forensic Psychologist at the Federal Bureau of Prisons Metropolitan Detention Center, and from Dr. Laeeq Evered. The Court also considered written reports prepared by Dr. Hope, Dr. Evered, Dr. Abilash Gopal, and Dr. Charles Saldanha.

Pursuant to Title 18, United States Code, section 4241(a), the Court finds Mr. Joseph incompetent. The Court specifically finds that Mr. Joseph presently suffers from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

Having reviewed the entire record and listened to the evidence, the Court finds by a preponderance of the evidence that Dr. Evered's testimony was more persuasive than Dr. Hope's testimony. Under 18 U.S.C. section 4241(d), having conducted the hearing pursuant to 18 U.S.C. section 4241(a), the Court finds by a preponderance of the evidence that the defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist

1 properly in his defense.

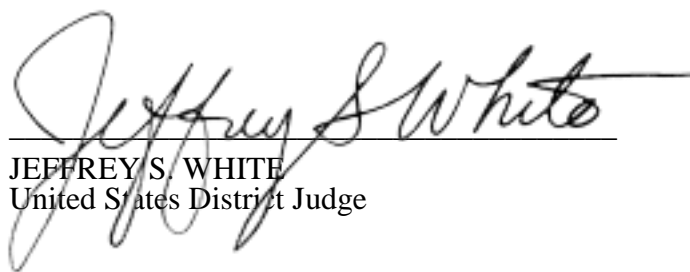
2 The Court commits Mr. Joseph to the custody of the Attorney General, who is ordered to
3 hospitalize Mr. Joseph for treatment in a suitable facility. Under 18 U.S.C. section 4241(d)(1),
4 Mr. Joseph shall be placed in a suitable facility for a reasonable period of time, not to exceed four
5 months, as is necessary to determine whether there's a substantial probability that in the
6 foreseeable future, Mr. Joseph will attain the capacity to permit the proceedings to go forward.

7 The Attorney General may keep Mr. Joseph for treatment in a suitable facility for an
8 additional reasonable period of time until his mental condition is so improved that trial may
9 proceed, if the Court finds that there is a substantial probability that within such additional period
10 of time he will attain the capacity to permit the proceedings to go forward. If, at the end of the
11 time period specified, it is determined that the defendant's mental condition has not so improved
12 as to permit the proceedings to go forward, the defendant is subject to the provisions of 18 U.S.C.
13 sections 4246 and 4248.

14 The Attorney General shall generate a report to this effect in compliance with this order.
15 Once the Court and counsel receive notification that the report has been completed, the Attorney
16 General shall return Mr. Joseph back to this Court for further proceedings, including hearing from
17 counsel regarding appropriate next steps.

18 **IT IS SO ORDERED.**

19 Dated: December 13, 2013

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21 JEFFREY S. WHITE
22 United States District Judge

23 cc: United States Marshal Service
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